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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,124	02/18/2004	Shigeru Nemoto	WAKAB73.001DV1	3354

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EXAMINER

WITCZAK, CATHERINE

ART UNIT	PAPER NUMBER
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3767

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/781,124	Applicant(s) NEMOTO, SHIGERU	
	Examiner Catherine N. Witczak	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 8 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Witczak

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1, 3, 5, 6, 7, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Fago et al (US 6,569,127).

Claim 1: Fago et al disclose in Figure 5 a mechanical syringe driving mechanism having a barrel holder (48) with a flange insert groove (58) and an arcuate guide groove (58), a syringe barrel (50) having a flange (54) extending outwardly from the barrel proximate the first end having an arcuate guide projection (59) which engages with the guide groove of the barrel holder when the syringe barrel is inserted into the barrel holder (column 6, lines 29-46).

Claim 3: Fago et al disclose in Figure 5 the guide projection comprising two sections (59a and 59b).

Claim 5: Fago et al disclose in Figure 5 the flange having two flange cut portions symmetrically positioned in the flange opposite each other (56a and 56b).

Claim 6: Fago et al disclose in Figure 5 an even number of arcuate guide projections (59 a and 59b) positioned symmetrically to each other.

Claim 7: Fago et al disclose in Figure 5 guide projections (59a and 59b) that are arcuate in shape.

Claim 9: Fago discloses in Figure 5 the arcuate guide projection comprising a plurality of guide projections aligned in a line in the circumferential direction along the flange.

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Claim 10: Fago et al disclose in Figure 5 the flange having two flange cut portions symmetrically positioned in the flange opposite each other (56a and 56b).

Claim 11: Fago et al disclose in Figure 5 an even number of guide projections (59a and 59b) in the form of truncated cones positioned symmetrically to each other on the flange.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trull (5,947,929) as applied Fago et al. Fago et al disclose the claimed invention except for a press projection formed on the rear surface of the flange capable of being compressed to press the flange against a front sidewall surface of a flange insert groove. Trull teaches that it is known to use press projections (30) as set forth in Figure 2 which “interact with the adapter assembly to permit engagement of the plunger with the driving head” (column 6, lines 50-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Fago et al with press projection on the rear surface of the flange as taught by Trull, since such a modification would provide the system with resilient press projection for interacting with the adapter assembly to permit engagement of the plunger with the driving head.

Allowable Subject Matter

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Claims 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see response, filed 6/12/2006, with respect to the 112th rejections have been fully considered and are persuasive. The 112th rejection of claim 9 has been withdrawn.

Applicant's arguments filed 6/12/2006 have been fully considered but they are not persuasive. Although Examiner agrees with Applicant's argument that structure 60 of Fago is not an arcuate guide groove, the reference as taught by Fago still reads on the independent claim (as detailed above in the claim rejections).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witczak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cw



KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

